

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tomoki Todo)	
)	
Application No. 10/594,964)	Art Unit: 1648
)	
Filed: September 29, 2006)	Examiner: Ali Reza Salimi
)	
For: Enhancer of anticancer activity in viral therapy and method of preventing or treating cancer)	Confirmation No. 1879
)	

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. 1.56 and 1.97, Applicant brings to the attention of the Examiner the documents listed on the attached PTO-1449. In accordance with 37 C.F.R. 1.97(e)(1), Applicant submits that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement and, therefore, no fee is necessary.

The listed documents were cited in a supplementary search report that issued in the corresponding European patent application. Applicant notes that the supplementary European search report also cited to the following article already of record: Hara *et al.* Effectiveness of cancer vaccine therapy using cells transduced with the interleukin-12 gene combined with systemic interleukin-18 administration. Cancer Gene Ther. 7:83-90 (2000).

Applicant respectfully requests that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form. This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute prior art. If the Examiner applies any one of the documents as prior art against any claim in the application, and Applicant determines that the cited document does not constitute prior art under United States law, Applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or

credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **September 22, 2009**
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Respectfully submitted,
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